

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY LUJAN, KACEY LAMUNYON
and EUGENIO MEDINA,

Defendants.

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Cause No. CR 05-924 RB

**MOTION FOR ONE DAY EXTENSION OF DUE DATE
TO FILE DEFENSE DISCOVERY MOTIONS**

LARRY LUJAN, Defendant, by and through the undersigned appointed counsel, Assistant Federal Public Defenders Robert E. Kinney and Marc H. Robert, moves the court for an order extending by one business day the due date for the defense's filing of discovery motions, and in support of motion would respectfully show the Court as follows:

1. Mr. Lujan is charged in a Third Superseding Indictment with kidnaping resulting in death, in violation of 18 U.S.C. § 1201(a)(1) and 18 U.S.C. § 2, and murder with the intent to prevent the communication of information to federal authorities, in violation of 18 U.S.C. § 1512(a)(1)(C) and 18 U.S.C. § 2 [Doc. 145]. Not guilty pleas were entered for Mr. Lujan at his arraignment on July 18, 2007. On July 12, 2007, the government filed a notice of intent to seek the death penalty in this case [Doc. 146]. The Third Superseding Indictment includes special findings (a) through (I) relating to the government's intent. Trial in this cause is scheduled for August 15, 2008.

2. Defense discovery motions are due on Friday, September 7, 2007. Counsel have been working diligently to prepare those motions. However, defense counsel Marc Robert is scheduled to be in Albuquerque before Judge Armijo for sentencing on September 7, 2007 at 1.30 pm. That setting will prevent counsel from participating in the final preparations of the discovery motion package, which will negatively impact on that filing. Mr. Lujan requests that the deadline be advanced by one business day, until Monday, September 10, 2007, for the filing of Mr. Lujan's discovery motions. Counsel is advised that Billy Blackburn, counsel for Mr. Medina, has sought the government's concurrence with a similar request for different reasons.

3. The short extension of time sought herein is not sought to delay the proceedings in this case, but rather to ensure that Mr. Lujan receives effective assistance of counsel.

4. The undersigned counsel has attempted to confer with counsel for the government. Counsel was unable to reach either Ms. Armijo or Mr. Saltman before filing this motion. The government's position is therefore unknown. Counsel will advise the Court when the government's position has been learned.

WHEREFORE, LARRY LUJAN, Defendant, by and through the undersigned appointed counsel, respectfully prays that this Court enter an order extending the due date for the filing of Mr. Lujan's discovery motions by one business day, to Monday, September 10, 2007, and providing for such other and further relief to which the Court may find Mr. Lujan to be justly entitled.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER
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filed electronically on September 6, 2007

MARC H. ROBERT
ROBERT E. KINNEY
Assistant Federal Public Defenders
Las Cruces Office

Counsel for Larry Lujan

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Extend Due Date for Filing Discovery Motions was served on the following persons by e-mail and physical service on September 6, 2007:

Maria Armijo
Mark A. Saltman
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filed electronically on September 6, 2007

MARC H. ROBERT

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